

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11020 of 2007

Date of decision: 24.07.2007

M/s Pahuja Enterprises and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

**Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal**

**Present: Mr. Deepak Manchanda, Advocate,
for the petitioners.**

M.M.Kumar, J.

In this petition filed under Articles 226/227 of the Constitution of India, prayer is for quashing of auction notice dated 17.07.2007 (Annexure P-6), which has been published by respondents No. 1 to 3. Further prayer has also been made for issuance of directions to respondents No. 1 to 3 to invite respondent No. 4 i.e. State Bank of India, Rajpura Branch, Rajpura, District Patiala to participate in the open auction proceedings jointly scheduled to be held on 25.07.2007.

It has not been disputed that an amount of Rs. 3,06,608/- as per the demand notice dated 26.06.2001 was due to the Market Committee, Rajpura i.e. respondent No. 3. Thereafter, another demand notice was issued on 04.02.2005 raising the demand of Rs. 3,33,971/- to the petitioner, out of which he has deposited a sum of Rs. 69,000/- in the month of March, 2006.

At the outset, the arguing counsel was asked to seek instructions from the petitioner Sh. Surinder Kumar, who is present in the Court as to whether he is prepared to pay 50% of the total demand raised. In answer to the aforementioned query, he agreed to pay only a sum of

Rs. 50,000/-.

The bona fide of the petitioner has not been established and, therefore, we do not see any valid reason to entertain this petition at this late stage as the auction is fixed for tomorrow i.e. 25.07.2007.

Accordingly, the petition is dismissed.

(M.M.KUMAR)
JUDGE

July 24, 2007
pj

(AJAY KUMAR MITTAL)
JUDGE

